

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

BLACKBIRD TECH LLC d/b/a  
BLACKBIRD TECHNOLOGIES,

Plaintiff,

v.

ACTi CORPORATION INC.,

Defendant.

C.A. No. \_\_\_\_\_

JURY TRIAL DEMANDED

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**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Blackbird Tech LLC d/b/a Blackbird Technologies (“Blackbird Technologies”) hereby alleges for its Complaint for Patent Infringement against Defendant ACTi Corporation Inc. (“ACTi”) on personal knowledge as to its own activities and on information and belief as to all other matters, as follows:

**THE PARTIES**

1. Plaintiff Blackbird Technologies is a Delaware limited liability company with its principal place of business located at 200 Baker Avenue, Suite 203, Concord, Massachusetts 01742.

2. On information and belief, Defendant ACTi is a Delaware corporation. ACTi may be served via its registered agent, Corporate Consulting Ltd., 619 New York Ave., Claymont, Delaware 19703.

**JURISDICTION AND VENUE**

3. This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code §§ 100, *et seq.*

4. Subject-matter jurisdiction over Blackbird Technologies' claims is conferred upon this Court by 28 U.S.C. § 1331 (federal question jurisdiction) and 28 U.S.C. § 1338(a) (patent jurisdiction).

5. This Court has personal jurisdiction over ACTi because ACTi is subject to general and specific jurisdiction in Delaware. ACTi has also established minimum contacts with this forum. ACTi has been incorporated in Delaware at all relevant times. ACTi regularly conducts business in Delaware, including by marketing, selling, and/or offering for sale IP video surveillance solutions, including parking lot surveillance solutions, through authorized sales distributors and resellers in Delaware such as Graybar Electric Co., 43 Boulden Blvd., New Castle, Delaware 19720. ACTi also has a dedicated Sales Account Manager servicing Delaware. The exercise of personal jurisdiction comports with ACTi's right to due process because, as described above, ACTi has purposefully availed itself of the privilege of conducting activities within Delaware such that it should reasonably anticipate being haled into court here. As alleged herein, acts by ACTi in this district have caused injury to Blackbird Technologies.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c) and § 1400(b) at least because ACTi transacts business within this district and has committed acts in this district that infringe U.S. Patent No. 6,816,085.

U.S. PATENT NO. 6,816,085

7. U.S. Patent No. 6,816,085 (the "'085 patent" or "patent-in-suit") entitled, "Method for Managing a Parking Lot," was duly and legally issued by the U.S. Patent and Trademark Office on November 9, 2004. Blackbird Technologies is the owner by assignment of all right, title, and interest in and to the '085 patent, including all right to recover for any and all

infringement thereof. The '085 patent is valid and enforceable. A true and correct copy of the '085 patent is attached as Exhibit A.

8. Claim 19 of the '085 patent recites, for example, an apparatus for managing a parking lot. Management of the parking lot is configured to occur by receiving parking lot data, transforming the parking lot data into information that comprises information about a plurality of overlapping moving parking lot objects, and transmitting the information to a mobile device.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,816,085

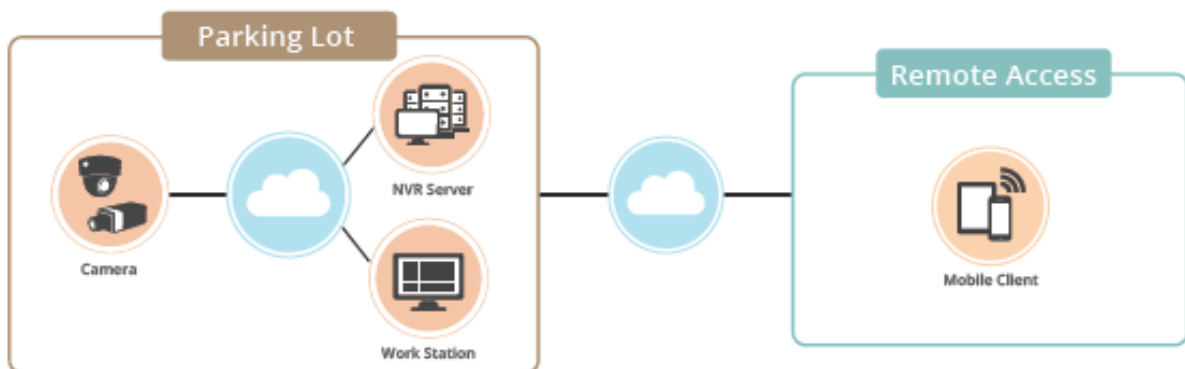
9. Blackbird Technologies reasserts and incorporates by reference Paragraphs 1 through 8 of this Complaint as if fully set forth herein.

10. “ACTi’s end-to-end parking lot surveillance solution [hereinafter, the “ACTi Parking Lot Product”] consists of IP cameras, video management system, mobile surveillance, video analytics, access control, alarm system, queue management, car search assistance, free spot assistance, eMap, and much more.” <https://www.acti.com/markets/outdoor-parking>. Accord

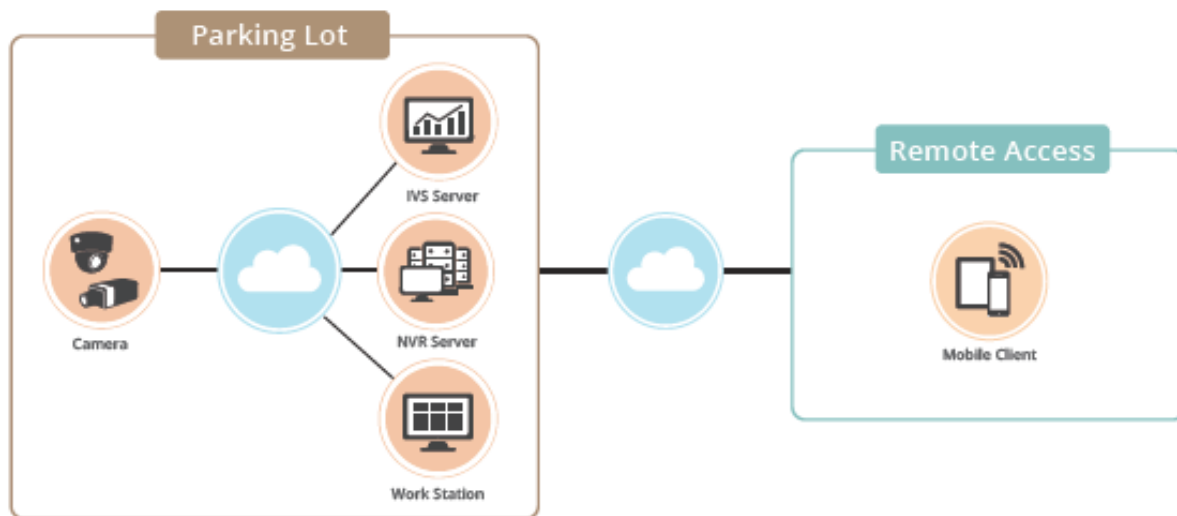
# SOLUTION ARCHITECTURES

Satisfy your surveillance needs with flexible solution architectures

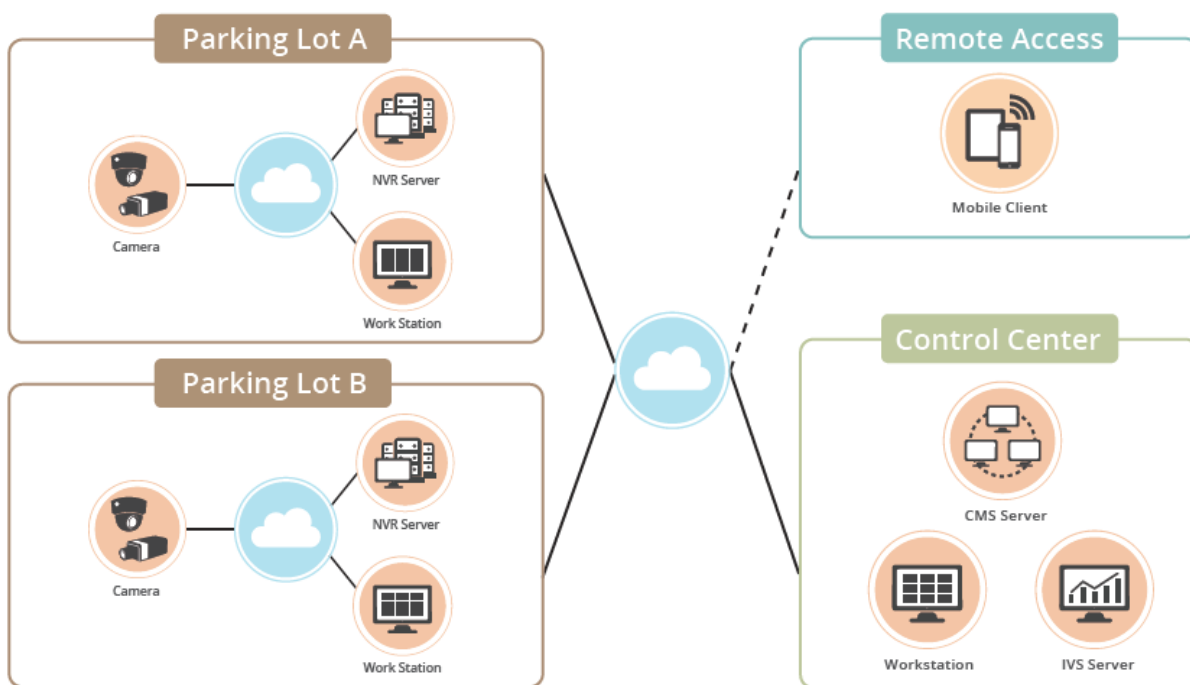
## Basic Solution



## Advanced Solution



## Complete Solution



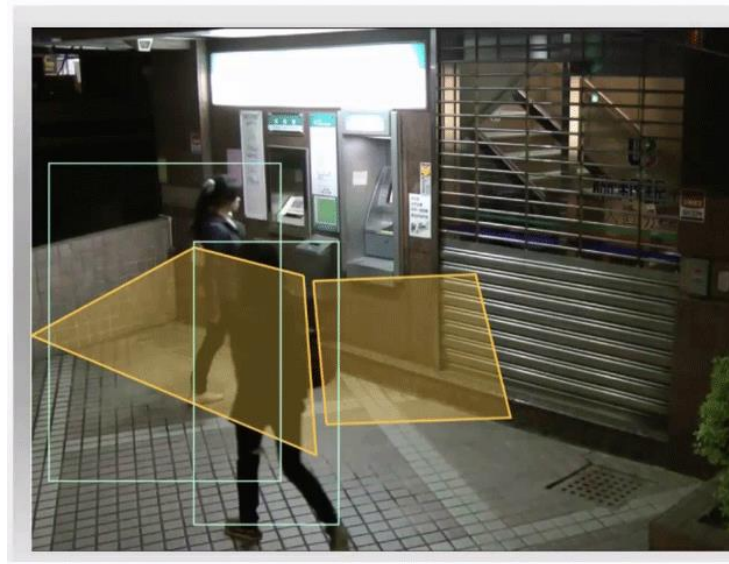
(ACTi Parking Lot Solution brochure at 5, available at <http://download.acti.com/?id=11704>; see also *id.* at 4 (describing cameras, network video recorders (NVR), intelligent video surveillance

(IVS), central management system (CMS), and mobile and workstation client applications depicted in the ACTi Parking Lot Product architectures).

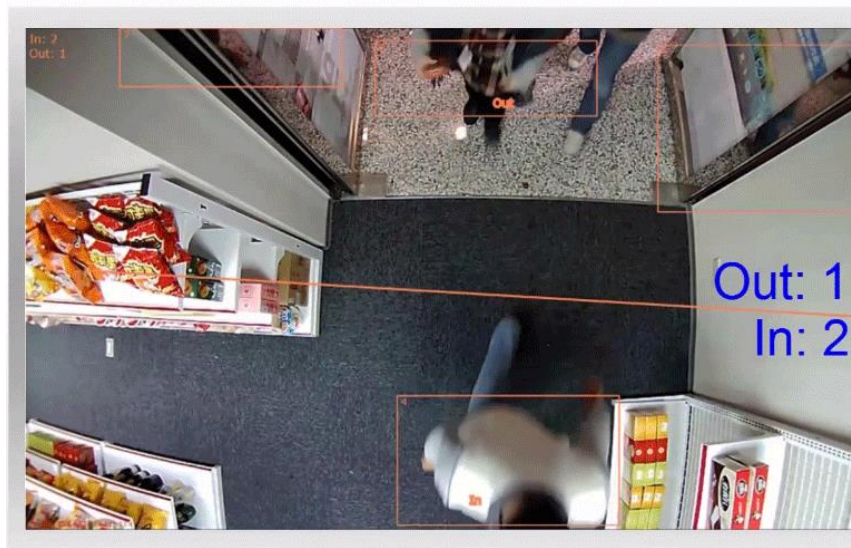
11. The ACTi Parking Lot Product is configured to transform parking lot data into information that comprises information about a plurality of overlapping moving parking lot objects. For example:

### **Enter Area**

Detects people entering or loitering in an area.



Counts people entering or exiting an area.



(screenshots from ACTi video at

[https://www.acti.com/corpweb/eBlast/2014/Parkinglot\\_SalesStation/data/T004.html](https://www.acti.com/corpweb/eBlast/2014/Parkinglot_SalesStation/data/T004.html).)

12. The ACTi Parking Lot Product is configured to transmit the aforementioned information to a mobile device. For example:

## Client Applications

### - Mobile Client -



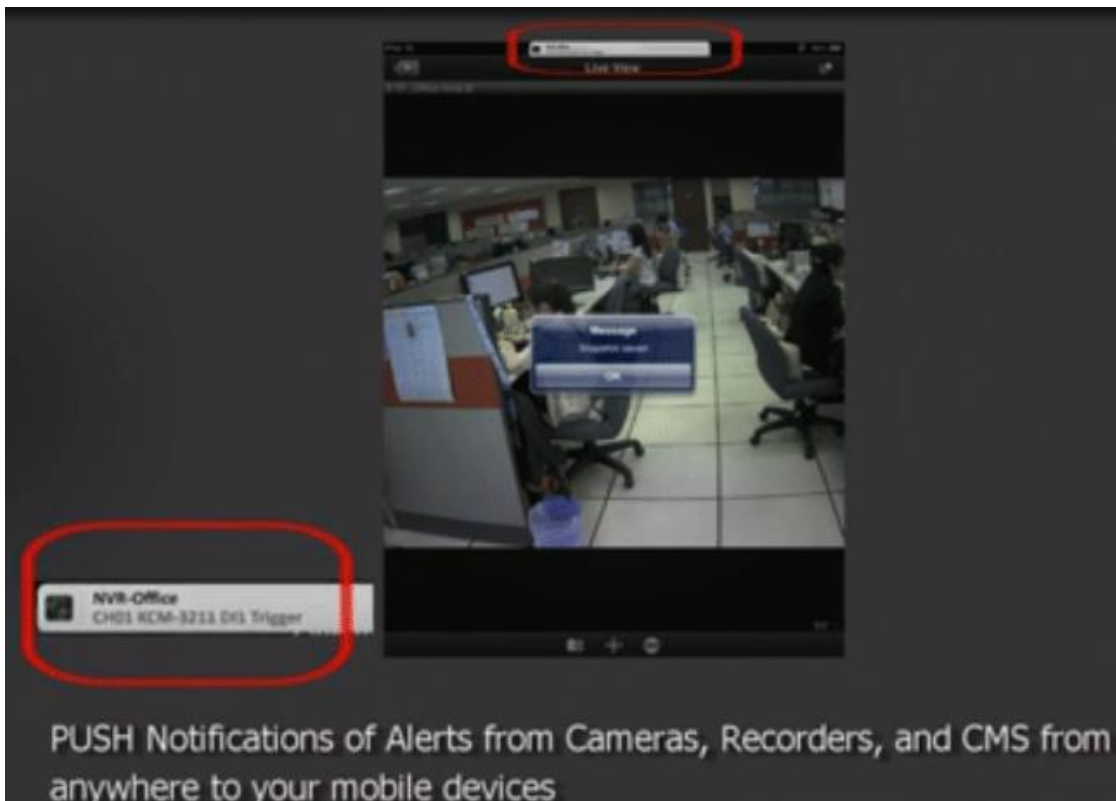
- Both iOS and Android supported
- Live monitoring from everywhere with mobile devices
- Access to multiple devices, including cameras, NVRs and CMS servers
- PTZ camera control and snapshot

### - Workstation -



- Both Windows and MAC OS systems supported
- User-friendly interface to configure NVR or CMS servers

(ACTi Parking Lot Solution brochure at 4, available at <http://download.acti.com/?id=11704>.)



(screenshot from ACTi Mobile Client video at <https://youtu.be/xkDteyRngeo>. See also generally ACTi Mobile Client video, available at

[https://www.acti.com/corpweb/eBlast/2014/Parkinglot\\_SalesStation/data/T005.html](https://www.acti.com/corpweb/eBlast/2014/Parkinglot_SalesStation/data/T005.html).)

13. Therefore, ACTi, pursuant to 35 U.S.C. § 271(a), has directly infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, one or more claims of the '085 patent, including at least claim 19, by making, using, importing, selling, and/or offering to sell the ACTi Parking Lot Product.

### ***Damages***

14. Blackbird Technologies has sustained damages as a direct and proximate result of Defendant's infringement of the '085 patent.

15. As a consequence of Defendant's past infringement of the '085 patent, Blackbird Technologies is entitled to the recovery of past damages in the form of, at a minimum, a reasonable royalty.

16. As a consequence of Defendant's continued and future infringement of the '085 patent, Blackbird Technologies is entitled to royalties for its infringement of the '085 patent on a going-forward basis.

### **PRAYER FOR RELIEF**

WHEREFORE, Blackbird Technologies respectfully requests that this Court enter judgment against Defendant, as follows:

A. Adjudging that Defendant has infringed at least claim 19 of the '085 patent literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271(a);

B. An award of damages to be paid by Defendant adequate to compensate Blackbird Technologies for Defendant's past infringement and any continuing or future infringement up

until the date such judgment is entered, and in no event less than a reasonable royalty, including interest, costs, and disbursements pursuant to 35 U.S.C. § 284 and, if necessary to adequately compensate Plaintiff for Defendant's infringement, an accounting of all infringing sales including without limitation those sales not presented at trial;

C. Ordering Defendant to continue to pay royalties to Blackbird Technologies for infringement of the '085 patent on a going-forward basis;

D. Adjudging that this case be exceptional under 35 U.S.C. § 285 and awarding enhanced damages, including costs and attorneys' fees, to Blackbird Technologies;

E. Awarding Blackbird Technologies pre-judgment and post-judgment interest at the maximum rate permitted by law on its damages; and

F. Granting Blackbird Technologies such further relief as this Court deems just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Blackbird Technologies demands a trial by jury on all claims and issues so triable.

Dated: March 14, 2017

STAMOULIS & WEINBLATT LLC

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